

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED FEDERATION OF CHURCHES LLC
d/b/a THE SATANIC TEMPLE,

Plaintiff,

-against-

NETFLIX, INC. and
WARNER BROS. ENTERTAINMENT INC.,

Defendants.

Index No. 1:18-cv-10372

**COMPLAINT AND JURY
DEMAND**

Plaintiff, United Federation of Churches LLC d/b/a The Satanic Temple (“Plaintiff” or “TST”), by its attorneys, D’Agostino, Levine, Landesman & Lederman, LLP, for its complaint (the “Complaint”) against defendant, Netflix, Inc. (“Netflix”), and defendant, Warner Bros. Entertainment Inc. (“Warner Bros.”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement, false designation of original, false description; and forbidden dilution under trademark dilution under 15 USC § 1125, and Injury to Business reputation dilution under New York General Business Law § 360-l, all arising out of Warner Bros.’s production and Netflix’s distribution of the original Netflix television series known as the *Chilling Adventures of Sabrina* (the “Sabrina Series”), and advertisements thereof, which prominently feature, benefit from and defame TST’s unique original expression (the “TST Baphomet with Children”) of the historic Baphomet, an androgynous goat-headed deity. Copies of images of the TST Baphomet with Children in its original plater cast form and current bronze casted form are annexed as Exhibits A-1 through A-4 and Exhibit B.

2. This case presents, among other things, a textbook example of the hornbook explanation of copyright protection that copyright law protects unique expressions, but not the ideas themselves. What makes this case particularly striking and significant is that it arises in the context of Defendants who are highly sophisticated media production and distribution companies which blatantly misappropriated Plaintiff's unique expression of an idea even though they have a long history of vigorously protecting their own intellectual property. For example, one of the leading Second Circuit Court of Appeals dealing with copyright protection is *Warner Bros, Inc. v. Gay Toys, Inc.*, 724 F.2d 327 (1983)(involving among other things, Warner Bros.'s objections to "General Lee" symbols on toy cars and the Dukes of Hazard movie). Copies of side by side images of the TST Baphomet with Children and a Netflix scene featuring its copy thereof are annexed as Exhibit C. Copies of screenshots of promotions for the Sabrina Series from YouTube and its Instagram account are annexed as Exhibits D-1 and D-2. Exhibit D-1 is a screenshot from the official trailer of the Sabrina Series entitled "Chilling Adventures of Sabrina | Featurette: Inside the World of Sabrina Spellman [HD] | Netflix. See <https://www.youtube.com/watch?v=DLMULIJA0Us>.

3. As explained more fully below, Baphomet is a historical deity which has a complex history, having been associated with accusations of devil worship against the Knight Templar. Baphomet historically involved a goat's head (sometimes known as the "Sabbatic Goat") on a female body associated with Lilith, a figure from Jewish mysticism sometimes considered a goddess of the night. The classic visual representation of idea of Baphomet is an image created in or about 1856 by an occult historian Eliphas Levi (the "1856 Baphomet"), which is notable for its use of a seated figure, with exposed large voluptuous female breasts, androgynous arms, a seeming

male lower body and a Sabbatic Goat's head. *Id.* A copy of the historic Levi drawing of Baphomet is annexed as Exhibit E.

4. TST's original expression of Baphomet, i.e., the TST Baphomet with Children, consists of several modifications from the historic expressions of the deity. Those original modifications are: (1) the placement of human children on either side, forming a triangle where (a) the children are male and female, respectively; (b) the children are a young male of African descent and young girl of Anglo-Saxon descent, respectively; (c) the human children are wearing particular clothes, with the girl wearing knee length sleeveless dress with a prominent high waisted sash, and the boy wearing a sports coat, (d) the girl has straight shoulder length hair with exposed ears and the boy has close cropped hair establishing African ancestry, and (2) use of an exposed male chest, instead of exposed large voluptuous female breasts. Importantly, these original expressions are misappropriated through use of an obvious copy which is featured prominently throughout the Sabrina Series and the central focal point of the school in the Sabrina Series which represents evil antagonists.

5. The Sabrina Series depicts the evil antagonists in conformity to the "Satanic Panic" conspiracy theories from the 1980s. See, generally, *Wikipedia* "Satanic ritual abuse" (available at https://en.wikipedia.org/wiki/Satanic_ritual_abuse) (last visited November 7, 2018).

6. The Sabrina Series' evil antagonists stand in stark contrast to TST's tenets and beliefs. See "Tenets," at ¶21, below. By misappropriating TST Baphomet with Children (which is a registered copyright and famous mark of TST) to publish this false and defamatory depiction of TST, Defendants have engaged in three classes of wrong: copyright infringement (Claim 1), trademark violation (Claim 2), and injury to business reputation (Claim 3).

JURISDICTION AND VENUE

7. This action arises under the Copyright Act of 1976 (the “Copyright Act”), 17 U.S.C. §§ 101 *et seq.*, and concerns rights in an original work of authorship over which this Court has original and exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), as well as the Lanham Act, 11 U.S.C. § 1125, and also pendent and ancillary claims for Injury to Business Reputation under New York’s General Business Law § 360-l.

8. The Court has personal jurisdiction under New York’s CPLR § 311 over Netflix because it is a foreign corporation registered to do business in the state of New York, and also because it maintains offices at 245 West 17th Street, New York, NY.

9. The Court has personal jurisdiction under New York’s CPLR § 311 over Warner Bros. because it is a foreign corporation registered to do business in the state of New York, and also because it maintains offices at 1325 Avenue of the Americas, New York, NY.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a).

11. Prior to commencing this lawsuit, TST complied with all legal prerequisites. TST registered the TST Baphomet with Children with the United States Copyright Office and been granted registrations VA 2-116-092 and VA 0002124601.

THE PARTIES

12. Plaintiff TST is a Massachusetts limited liability company, with its principal place of business located at 64 Bridge Street, Salem, Massachusetts 01970.

13. Upon information and belief, Warner Bros. is, among other things, a production company of motion pictures and television series.

14. Warner Bros. is the producer of the Sabrina Series.

15. Upon information and belief, Netflix is, among other things, an internet distributor of television series.

16. Netflix is the internet distributor of the Sabrina Series.

FACTUAL ALLEGATIONS

A. Historic Background of Baphomet

17. As indicated above, Baphomet is a goat-headed, angel-winged, hermaphroditic (having both male and female features) deity of antiquity. Baphomet represents a conciliation of opposites. Baphomet is neither human nor beast, neither male nor female, neither angelic nor demonic. Simultaneously, Baphomet is all of these. Baphomet historically was believed to have a Sabbatic Goat's head placed on the body of Lilith, a figure from Jewish mysticism sometimes considered the goddess of the night. Baphomet was first rendered to modern form (See Exhibit E) by Eliphas Levi, an occult historian, in 1856. See *Dogme et Rituel de la Haute Magie* ("Dogma and Rituals of High Magic.") The Knights Templar were falsely accused of worshipping Baphomet and that subsequently became incorporated into various occult and mystical tradition. See, generally, *Wikipedia* "Baphomet" (available at <https://en.wikipedia.org/wiki/Baphomet>) (last visited November 7, 2018). The 1856 Baphomet is notable for its use of exposed large voluptuous female breasts, androgynous arms, and a seeming male lower body.

B. The Satanic Temple

18. TST is an organization founded and designed to encourage benevolence and empathy among people rejecting tyrannical authority, advocating practical and common-sense justice, and undertaking noble pursuits guided by individual will. Foundational to TST's belief structure is protection of an individual's right to make informed choices of their own free will.

19. TST does not promote evil and instead holds to the basic principle that undue suffering is bad, and that which reduces suffering is good.

20. Satan, for TST, is a literary figure symbolic of the eternal rebel in opposition, rather than the personalization of evil. To TST, “Satan” is the literary Satan, meant to be a rebel against God’s authority, rather than an evil being, best exemplified by Milton and the Romantic Satanists, from Blake to Shelley to Antole France.

21. TST believes in the pursuit of knowledge and freedom of will, based upon the following seven (7) tenets.

- (a) One should strive to act with compassion and empathy towards all creatures in accordance with reason.
- (b) The struggle for justice is an ongoing and necessary pursuit that should prevail over laws and institutions.
- (c) One’s body is inviolable, subject to one’s own will alone.
- (d) The freedoms of others should be respected including the freedom to offend. To willfully and unjustly encroach upon the freedoms of another is to forgo one’s own.
- (e) Beliefs should conform to one’s best scientific understanding of the world.
- (f) People are fallible. If one makes a mistake, one should do one’s best to rectify it and resolve any harm that might have been caused.
- (g) Every tenet is a guiding principal designed to inspire nobility in action and thought. The spirit of compassion, wisdom and justice should always prevail over the written or spoken word.

22. TST is politically aware and has, among other things, opposed The Westboro Baptist Church, advocated on behalf of children in public schools to abolish corporal punishment, and has applied for equal representation where religious monuments are place on public property.

23. In connection with its mission, TST believes that the First Amendment of the Constitution of the United States mandates that the United States Government treat all religions equally.

24. TST's Baphomet with Children was designed so that after a statue of the Ten Commandments was donated to Oklahoma City by State Representative Mike Reitze, TST could donate its own unique expression of Baphomet.

C. The Creation of the TST Baphomet with Children

25. In or around 2013/2014, TST's members and managers designed and commissioned, at substantial cost and with great effort and attention to detail, the TST Baphomet with Children.

26. Members and managers of TST initially created a sketch (the "Initial Sketch"), showing a figure somewhat similar to the 1856 Baphomet, but which was configured in a triangular arrangement, with a young girl of apparent Anglo-Saxon descent on the left facing Baphomet and a young boy of apparent African descent on the right facing Baphomet. The idea was to have the children looking reverentially at Baphomet. A copy of the initial sketch is attached as Exhibit F.

27. The TST Baphomet with Children was designed to be an answer to religious display on public property and as an assertion of pluralism and equal status in an environment of religious freedom, all key tenets of TST. See also ¶ 21(b), (d).

28. Each element of the TST Baphomet with Children was carefully and specifically developed from the initial sketch with an artist, commissioned on a work-for-hire basis. Among

other things, numerous child models were considered to find a specific expression of bi-racial childlike innocence by children of different races, looking up in reverence at Baphomet. An affirmative decision was made to put the young boy of African descent into a sports jacket instead of the tee-shirt in the initial sketch and to put the young girl in a sleeveless knee length dress with a high waist sash, rather than the dress with covered shoulders and leggings in the original sketch. Additionally, Baphomet's arms, which were originally angled down similar to the 1856 Baphomet, were raised to be a straight and rigid right angles, with prominent muscular biceps. In the 1856 Baphomet, Baphomet's eyes are intense and seem to imply evil; in TST Baphomet with Children, Baphomet's eyes are softened to imply wisdom.

29. TST spent countless number of hours and approximately \$100,000 to develop the actual statue which is the now-famous TST Baphomet with Children.

D. Extensive publicity which has made the TST Baphomet with Children a famous symbol of TST

30. The public release of the TST Baphomet with Children has been subject to extensive world-wide publicity and media coverage which has made it a famous symbol of TST.

31. Publicity surrounding the release of the initial drawing, the original plaster cast and the final bronze version, include articles in Time Magazine and The New York Time, as well as pieces on CBS, Fox News, the Colbert Show and Lisa Ling's This is Life on CNN, among others, as follows:

■ January 6, 2014

CBS News and Time Magazine display initial sketch

<https://www.cbsnews.com/news/group-unveils-plans-for-satan-statue-at-okla-capitol/>

<http://nation.time.com/2014/01/07/satanists-unveil-statue-for-oklahoma-capitol/>

■ May 1, 2014

TST releases the first images of the plaster Baphomet still under construction in a piece for Vice Magazine

https://www.vice.com/en_us/article/xd5gjd/heres-the-first-look-at-the-new-satanic-monument-being-built-for-oklahomas-statehouse

■ May 6, 2014

Colbert Report

<http://www.cc.com/video-clips/zekn1k/the-colbert-report-satanic-monument-for-the-oklahoma-state-house>

https://www.huffingtonpost.com/2014/05/07/stephen-colbert-war-on-religion-america_n_5282574.html

■ July 10, 2015

NY Times publishes image of plaster Baphomet (not the first to do so, but a major outlet)

<https://www.nytimes.com/2015/07/11/us/a-mischievous-thorn-in-the-side-of-conservative-christianity.html?login=email&auth=login-email>

■ July 2015

Fox News Video on Detroit unveiling of bronze statue

<https://www.dailymotion.com/video/x30r201>

■ Sept 6, 2015

RT displays plaster Baphomet

<https://www.rt.com/usa/314775-arkansas-capitol-satanic-temple/>

■ November 30, 2015

Lisa Ling, This is Life on CNN (during prime time on Sundays)

<https://www.cnn.com/videos/tv/2015/11/30/satanic-temple-lisa-ling-orig.cnn>

■ November 13, 2015

Raw Story - Plaster Baphomet

<https://www.rawstory.com/2015/11/christians-unwittingly-allowed-satanists-to-ambush-missouris-anti-abortion-laws-heres-how/>

■ August 17, 2016

Arkansas Times - Plaster Baphomet

<https://www.arktimes.com/arkansas/the-devil-is-in-the-details-at-the-arkansas-state-capitol/Content?oid=4538981>

■ November 2, 2016

Boston College student paper - Bronze Baphomet

<http://bcheights.com/2016/11/02/reassessing-world-satanic-temple/>

■ January 25, 2017

Arkansas Times - Plaster Baphomet

<https://www.arktimes.com/ArkansasBlog/archives/2017/01/25/site-plan-approved-for-satanic-temple-monument-public-comment-legislative-approval-hurdles-yet-to-be-cleared>

■ May 2017

Heavy - Plaster Baphomet

Heavy <https://heavy.com/news/2017/05/satanic-temple-monument-statue-salem-tenents-baphomet-abortion/>

■ June 28, 2017

Haute Macabre - Bronze Baphomet

<http://hautemacabre.com/2017/06/never-let-your-activism-be-artless-an-interview-with-lucien-greaves-of-the-satanic-temple/>

32. A YouTube video shows the TST Baphomet with Children as a unique work of art. (See <https://www.youtube.com/watch?v=NrnW6-pjQa0>).

33. In 2015, coinciding with announcement of TST's intention to donate the TST Baphomet with Children to Oklahoma to be placed alongside the Ten Commandments, the Oklahoma Supreme Court overturned the statutory framework which permitted the Oklahoma Ten Commandments monument. See *Prescott v. Okla. Capitol Pres. Comm'n*, 2015 OK 54, 373 P.3d 1032.

34. Following that, TST Baphomet with Children was repurposed to be paired with a then-proposed Ten Commandments monument in Arkansas. Litigation in Arkansas is ongoing. See Cave v. Martin, (4:18-cv-00342) (E.D. Ark.).

35. TST's website, at all relevant times, explained that TST's Baphomet with Children was a unique expression, noting that TST Baphomet with Children has a "male chest" and picturing Baphomet with two children, a small boy and small girl, looking up at the Sabbatical Goat head of the statute. TST's website further explains that the TST Baphomet with Children is on display in an art gallery and is being offered to other states where a religious statute appears on publicly-owned land. TST's website explains the relationship of the TST Baphomet with Children to the

First Amendment mission of TST to ensure that government treats all religions equally. A copy of the Baphomet page of TST's website is attached as Exhibit G.

36. Partly due to the extensive broadcasted depictions of TST Baphomet with Children, both bronze-cast and plaster-cast, as well as the efforts of TST to publicize its mission in connection with the TST Baphomet with Children, this statue has become a famous mark which is inextricably linked with TST.

E. The Sabrina Series

37. The Sabrina Series is a fictional television series based upon issues of magic and mischief colliding as a half-human, half-witch teenager named Sabrina navigates between two worlds: mortal teen life and her family legacy, the Church of the Night.

38. This series was produced by Warner Bros. and distributed by Netflix. The Sabrina Series was released to the public on October 26, 2018.

39. Shortly prior to airing, featurettes and advertisements were circulated on public media, such as YouTube and Instagram. Upon information and belief, these advertisements included the misappropriated TST Baphomet with Children, such as the image on Exhibits D-1 and D-2.

40. Defendants misappropriated the TST Baphomet Children in ways implying that the monument stands for evil. Among other morally repugnant actions, the Sabrina Series' evil antagonists engage in cannibalism and forced-worship of a patriarchal deity.

41. The TST Baphomet with Children appears in at least 4 of the 10 episodes of the Sabrina Series, and numerous scenes.

42. Defendants feature the TST Baphomet with Children as a central figure for the antagonists. In Episode 2 of the Sabrina Series, TST Baphomet with Children is unveiled as a

foreboding figure and the focal point of the Witches Academy. In the final scene of the series at the end of Episode 10, the main character walks in front of TST Baphomet with Children, rendering it a key element of the season finale.

43. Comparison of the parties' statues, as show in Exhibit C, demonstrates that the unique elements of TST's expression of the idea of Baphomet, and particularly the use of a male chest rather than voluptuous large female breasts, and the configuration with a small boy and small girl looking at the Sabbatic Goat head of the statue, were unquestionably copied by Defendants. The similarities are no coincidence. Also, compare Exhibit A-1 with Exhibit D-1.

44. By notice dated October 26, 2018, Defendants were notified of copyright violations inherent in Netflix's use of the TST Baphomet with Children. Defendants have not responded.

45. Defendants brazenly ignored TST's demands, thereby forcing TST to file suit to protect its intellectual property rights.

46. Defendants' unauthorized reproduction and distribution of the Sabrina Series and advertising thereof has harmed and, if not permanently enjoined, will continue to harm the commercial value of TST's copyrighted work and the rights of ownership and control which TST enjoys in the TST Baphomet with Children.

47. TST seeks, among other things, a permanent injunction barring Defendants from reproducing and distributing the Sabrina Series utilizing images of the TST Baphomet with Children, and TST submits that absent the relief requested herein, Defendants will continue to willfully infringe TST's copyright, trademark and common law rights.

F. Defendants' cavalier disregard to TST's property rights

48. TST's objection to the Sabrina Series' blatant misappropriation of the TST Baphomet with Children was, among other places, reported in VICE, a news media organization,

on October 29, 2018. See https://broadly.vice.com/en_us/article/zm9pe3/satanic-temple-claims-netflixs-sabrina-illegally-copied-baphomet-statue (Last visited November 7, 2018). There, Lisa Soper (the production designer for the Sabrina Series) spoke about the statue and falsely stated, “I think that’s kind of a coincidence.” Going further, “When you look at Baphomet, there’s really only a couple of statues of him—which, they have their statue, and we’ve got our statue in the show.” “If you look at Goya paintings, if you look at a lot of the tarot cards, or the Alistair Crowley iterations of him—because there’s hundreds and hundreds of iterations of him, he’s always seen with his people around him and it’s more of like a father figure kind of thing. So depicting his children with him, that kind of stuff, and those kinds of elements are all kind of the same.” Soper further said: “But it’s no different from, in my opinion anyhow... from any other of the mass amounts of iterations of him that have been around.”

49. The above is demonstrably false. Upon information and belief, Baphomet has never been depicted with two children gazing reverentially at the Sabbatic Goat head. Likewise, upon information and belief, Baphomet, prior to TST’s Baphomet with Children depictions generally include large exposed large voluptuous female breasts, not a male chest. The female breasts are a central feature of the traditional depiction of Baphomet, the *hermaphroditic* deity.

50. Ms. Soper’s statement is a bold lie. That lie was designed to further damage TST and promote the Sabrina Series at the expense of TST and its business reputation.

FIRST CLAIM FOR RELIEF
(Copyright Infringement)

51. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 50 above as if fully set forth herein.

52. The TST Baphomet with Children is an original work of authorship and is copyrightable under the laws of the United States.

53. TST is the holder of US Copyright registrations VA 2-116-0092 and VA 002124601 for the TST Baphomet with Children.

54. The TST Baphomet with Children is the, “most politically charged sculpture of our time.” See Exhibit G. See also <https://salemartgallery.com/baphomet/>. This puts the public, specifically Defendants, on reasonable notice of intellectual property issues and that the TST Baphomet with Children is a unique work of art that should not be misappropriated as a symbol of evil.

55. Plaintiff has not assigned, licensed, or otherwise transferred any of its exclusive rights to Defendants or made them available for public use.

56. Defendants are unlawfully reproducing, distributing, and selling copies of the Sabrina Series, including advertisements thereof which include unauthorized use of the TST Baphomet with Children, without authorization. This violates Plaintiff’s exclusive intellectual property rights.

57. Defendants are aware that they do not have permission to reproduce, distribute, or sell copies of television series featuring of the TST Baphomet with Children.

58. By failing or refusing to take down the misappropriated imagery, Defendants are willfully infringing upon Plaintiff’s copyright.

59. Based upon the foregoing, Plaintiff is entitled to a judgment against Defendants in an amount to be determined at trial, but believed to be no less than \$50,000,000.00, together with injunctive relief.

SECOND CLAIM FOR RELIEF

**(False designation of original, false description;
and forbidden dilution under trademark dilution under 15 USC 1125)**

60. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 59 above as if fully set forth herein

61. The TST Baphomet with Children is a symbol of TST.

62. The TST Baphomet with Children is a famous mark, within the meaning of 15 USC § 1125 (c).

63. Defendants have used the TST Baphomet with Children in ways that falsely designate its origin and are misleading and false to the extent that the Sabrina Series indicates, impliedly and expressly, that the TST Baphomet with Children is a symbol of evil, associated with forced-devil worship, cannibalism, and murder.

64. Among other things, TST designed and commissioned the TST Baphomet with Children to be a central part of its efforts to promote First Amendment values of separation of church and state and equal protection. Defendants' prominent use of this symbol as the central focal point of the school associated with evil, cannibalism and murder blurs and tarnishes the TST Baphomet with Children as a mark of TST.

65. Defendants have used the TST Baphomet with Children in ways that causes caution by blurring or diluting by tarnishment as a symbol of TST.

66. Defendants' use of the TST Baphomet with Children has injured and continues to injure Plaintiff.

67. Based upon the foregoing, Plaintiff is entitled to a judgment against Defendants in an amount to be determined at trial, but believed to be no less than \$50,000,000.00, together with injunctive relief.

THIRD CLAIM FOR RELIEF

(Injury to Business reputation dilution under New York General Business Law § 360-l)

68. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 67 above as if fully set forth herein.

69. Defendants have used images of the TST Baphomet with Children in a way that injures the business reputation of TST and dilutes the distinctive quality of the TST Baphomet with Children as a mark of TST in violation of New York's General Business Law Section 360-l.

70. Among other things, TST designed and commissioned the TST Baphomet with Children to be a central part of its efforts to promote First Amendment values of separation of church and state. Defendants' prominent use of it as the central focal point of the school associated with evil, cannibalism and possibly murder is injurious to TST's business.

71. Defendants' use of the TST Baphomet with Children has injured and continues to injure Plaintiff.

72. Based upon the foregoing, Plaintiff is entitled to a judgment against Defendants in an amount to be determined at trial, but believed to be no less than \$50,000,000.00, together with injunctive relief.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands the following relief:

- (a) An order declaring that Defendants are liable for infringement of TST's copyright in and to the TST Baphomet with Children;
- (b) An order declaring that Defendants have willfully infringed Plaintiff's copyright in and to the TST Baphomet with Children;
- (c) An order pursuant to 17 U.S.C. § 504, awarding Plaintiff monetary damages for copyright infringement, in an amount to be established at trial but believed to exceed \$50,000,000.00 consisting of: (i) actual damages, in an amount to be determined at trial, along with disgorgement of all of Netflix's profits attributable to sales of the Sabrina Series; or, (ii) in the alternative, statutory damages, in an amount to be determined at trial, arising from Defendants' willful copyright infringement;
- (d) An order enjoining Defendants from any future reproduction or distribution of the Sabrina Series with the TST Baphomet with Children and requiring Defendants to digitally remove the TST Baphomet with Children from all future distributions of the Sabrina Series and to cease and desist all marketing of the Sabrina Series which uses the images of the TST Baphomet with Children and to deliver the TST Baphomet with Children to the Plaintiff;
- (e) An order pursuant to 17 U.S.C. § 505, awarding Plaintiff the recovery of attorneys' fees, interest and costs;
- (f) An order declaring that Defendants are liable for false designation of original, false description and forbidden dilution under trademark dilution under 15 USC § 1125;

(g) An order pursuant to 15 U.S.C. 1125, awarding Plaintiff monetary damages in an amount to be established at trial but believed to exceed \$50,000,000.00 and an injunction for false designation of original, false description and forbidden dilution under trademark dilution;

(h) An order pursuant to New York General Business Law § 360-1 declaring that Defendants are liable for injury to business reputation and dilution of a mark;

(i) An order pursuant to New York General Business Law § 360-1, awarding Plaintiff monetary damages in an amount to be established at trial but believed to exceed \$50,000,000.00 and an injunction for liable for injury to business reputation and dilution of a mark;

(j) Reimbursement of attorneys' fees, costs and disbursements.

(k) Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

Dated: November 8, 2018

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